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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 ESTATE OF NEKIYLO DEWAYNE
14 GRAVES, by and through Eureka Graves as
15 next-of-kin, personal representative and its
Special Administrator SHANNON L.
EVANS; EUREKA GRAVES, an individual,

16 Plaintiffs,

17 vs.

18 NYE COUNTY, NEVADA, a political
19 subdivision of the State of Nevada; JOHN
KAKAVULIAS, an individual and employee
20 of Nye County, Nevada; SOC NEVADA,
LLC, a foreign limited liability company
21 (d/b/a "SOC, LLC"); TRE'QUIS HARRIS,
an individual and employee of SOC Nevada,
22 LLC; DOES I -X; ROES I-X,

23 Defendants.

Case No. 2:20-cv-2359-CDS-DJA

**PLAINTIFFS' MOTION FOR LEAVE
TO FILE EXCESS PAGES IN SUPPORT
OF THEIR OPPOSITION TO
DEFENDANTS' SOC, LLC AND
TREQUIS HARRIS' MOTION TO
DISMISS**

24
25 Plaintiffs, Eureka Graves and Estate of Nekiyllo Dewayne Graves, respectfully request
26 this Court grant them leave to file an opposition to Defendants SOC Nevada, LLC and Tre'Quis

Harris' motion to dismiss (ECF No. 69) that exceeds the 24-page limit imposed by the Court's Local Rule of Civil Practice 7-3.

In support of this motion, Plaintiffs rely upon the memorandum of points and authorities below, all papers on file in this action, the Declaration of Paul S. Padda, Esq. and any additional arguments the Court may permit.

DECLARATION OF PAUL S. PADDA

I, Paul S. Padda, do hereby declare the following:

1. I am offering this Declaration based upon my personal knowledge. I am not a party to this litigation. Rather, I am counsel for Plaintiffs. I am above the age of 18 and I am competent to testify to the matters set forth herein if called upon to do so.
2. This Declaration is made in support of Plaintiffs' Opposition to Defendants SOC, LLC and Tre'quis Harris' consolidated Motion to Dismiss Plaintiffs' First Amended Complaint (ECF No. 69) ("SOC/Harris Motion").
3. Defendants SOC/Harris were granted leave to file excess pages for their consolidated Motion to Dismiss from 24 pages to 31 total pages (ECF No. 67; No. 67-1) (ECF No. 68).
4. If treated as a Motion to Dismiss, Plaintiffs would be entitled to each file 24-page responses in opposition to Defendants' SOC/Harris' consolidated motion. LR 7-3(b).
5. If SOC/Harris Motion is treated as a Motion for Summary Judgment (by reference to matters outside the pleadings, as Plaintiffs contend), Plaintiffs would be entitled to each file 30-page responses in opposition to Defendants SOC/Harris' Motion. LR 7-3(a).
6. Instead of filing separate motions, Plaintiffs propose, like Defendants SOC and Harris, to jointly file a consolidated response to Defendants SOC/Harris' Motion to Dismiss consisting of 40 total pages or less.
7. Plaintiffs request 16 additional pages to file a response and opposition to Defendants SOC/Harris' Motion beyond the allowed 24 pages for responsive pleadings to Motions to Dismiss. LR 7-3(b).

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8. Alternatively, Plaintiffs request 10 additional pages to file a response and opposition to Defendants SOC/Harris Motion beyond the allowed 30 pages permitted for responses to Motions for Summary Judgment. LR 7-3(a). In either event, the Plaintiffs' response in opposition to Defendant SOC/Harris' Motion will consist of no more than 40 pages, excluding the table of contents, authorities, supporting Exhibits, and declaration.
9. Plaintiffs' request for additional pages to their Opposition to Defendants/SOC's motion is made in good faith and good cause exists to allow leave for Plaintiff to file excess pages based upon the following:
 - (a) Defendant SOC/Harris' Motion to Dismiss relies on matters and documents outside the pleadings (ECF No. 69, Exhibits 1 through 6, respectively), and thus, case law permits the Court to treat Defendants SOC/Harris Motion as one for Summary Judgment which would allow for a 30-page response in opposition from Plaintiffs;
 - (b) Defendants SOC/Harris filed a consolidated Motion to Dismiss consisting of 31 total pages and were granted leave to file excess pages from 24 to 31 to support their Motion (ECF No. 68).
 - (c) The excess pages to Plaintiffs' Response in Opposition to SOC/Harris' Motion allows Plaintiffs, and each of them, to address all of the purported "multiple, separate, and independent grounds," which Defendants allege support the SOC/Harris Motion. (ECF No. 67-1, at ¶3-c).
 - (d) Plaintiffs' First Amended Complaint of forty-eight (48) pages and nine separate claims for relief against SOC/Harris, are purportedly addressed in Defendant SOC/Harris' Motion. (ECF No. 67-1, at ¶3.c).

10. Finally, the particular circumstances of this case (a civil rights case involving allegations of wrongful death and excessive force) merit robust and complete briefing in order to permit Plaintiffs to address Defendants' various arguments and assertions.

I declare, under penalty of perjury, the foregoing is true and correct.

/s/ Paul S. Padda

Paul S. Padda

Dated: May 17, 2022

MEMORANDUM OF POINTS AND AUTHORITIES

This Court's Local Rule of Civil Practice LR 7-3(b) limits "motions, responses to motions...to 24-pages, excluding exhibits." On the other hand, LR 7-3(a) provides for a "30-page" limitation, excluding exhibits, for motions and responses involving requests for summary judgment. LR 7-3(a). The rules provide that "courts look with disfavor on motions to exceed page limits, so permission to do so will not be routinely granted" and, only then, where there is a "a showing of good cause." LR-7-3(c).

In this case, good cause supports Plaintiffs' request to exceed the 24-page limit. Plaintiffs' must respond to numerous arguments set forth in Defendants' disposition motion, including arguments pertaining to national security that simply cannot be accomplished within the page limits set forth under LR 7-3(b). As noted in the Declaration of Paul S. Padda, Defendants themselves sought and received permission to exceed the page limitations that would have otherwise limited their dispositive motion to 24-pages. Further, given the nature of this case involving the death of a young man and his mother's quest for the truth, permitting Plaintiffs to exceed the page limitation requirements of the Court's Local Rules in order to

properly respond to a dispositive motion is warranted and appropriate based upon the unique facts of this case. Defendants will experience no prejudice by this request.

CONCLUSION

For the reasons set forth herein, Plaintiffs respectfully request the Court grant them permission to file a response to the pending dispositive motion up to an including 40-pages.

Respectfully submitted,

/s/ Paul S. Padda

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Counsel for Plaintiffs

Dated: May 17, 2022

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: May 18, 2022

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CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, the undersigned hereby certifies that on this day, May 17, 2022, I caused a true and correct copy of the foregoing **PLAINTIFFS' MOTION FOR LEAVE TO FILE EXCESS PAGES IN SUPPORT OF THEIR OPPOSITION TO DEFENDANTS' SOC, LLC AND TREQUIS HARRIS' MOTION TO DISMISS** to be filed and served via the Court's electronic filing system upon all parties and their counsel of record registered with CM/ECF.

/s/ Paul S. Padda

An Employee of PAUL PADDALAW

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